



NEWS REPORT

Date:	9 June 2010
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Title:	Criminal liability of a training centre for refusing access to a student/trainee wearing the Islamic veil
Country:	France
Context	
Issue at stake:	Access to a student/trainee wearing the Islamic veil
Ground of discrimination:	religion/belief
Source:	national court decision, Court of Appeal Paris, 8 June 2010, file no 08/08286
Field:	education
Legislative provisions:	Articles 225-1 and 225-2 of the Penal Code

Content

Case: A young woman was registered in a combined programme offered by the University Paris XI and a training centre to obtain a degree in accounting and financial audit. On the first day of class at the training centre, she presented herself wearing an Islamic veil. Two days later she was informed by the director and the president of the training centre that in-house regulations prohibit the wearing of the Islamic veil in their premises. The young woman alleged that the Law of 15 March 2004 prohibiting religious signs in public schools did not apply to adult students registered in higher education centres. The director maintained her position and gave her some time to think whether to remove her Islamic veil or leave the program.

The following day the young woman showed up at work as required by her trainee employment contract. That same day, the employer received a notification that she was considered as non-registered and therefore had been excluded from the program due to her refusal to comply with internal regulations of the training centre.

After the incident, it was proposed to modify the in-house regulations but the board refused on the ground that religious signs may cause unrest,



proselyte behaviour and disrupt teachings. It was argued that the training centre is a private structure and its members have strong view on secularism.

The case was dismissed in first instance. Before the Court of Appeal of Paris, the HALDE recalled that the Conseil d'Etat had already held that the wearing of religious signs cannot constitute proselyte behaviours and is part of freedom of religion. On those grounds, the HALDE concluded that the facts constitute an offence as it subjects an offer of service to a discriminatory condition contrary to Article 225-2 of the Criminal Code.

Decision of the Court: The Court decided that the defendants did not succeed to establish a disrupting and proselyte behaviour that could justify exclusion. The simple wearing of the Islamic veil does not qualify as behaviour that can be sanctioned by a training centre.

The Court condemned the Association managing the training centre to a fine of 3 775€ and the director to a fine of 1250€. In addition, the Court condemned both to jointly pay 10 500€ in damages to the young woman.